

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Hamud, Fozia M.
	)	
Kevin P. BAKER, et al.	)	Art Unit: 1647
	)	
Application Serial No. 10/006,818	)	Confirmation No: 1321
	)	
Filed: December 6, 2001	)	Attorney's Docket No. 39780-2830 P1C4
	)	
For: <b>SECRETED AND</b>	)	<b>Customer No. 35489</b>
<b>TRANSMEMBRANE</b>	)	
<b>POLYPEPTIDES AND NUCLEIC</b>	)	
<b>ACIDS ENCODING THE SAME</b>	)	

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Date Mailed: AUGUST 19, 2004

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- |                          |     |  |
|--------------------------|-----|--|
| <input type="checkbox"/> | (1) | It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d) |
|                          |     | -- OR --   |
| <input type="checkbox"/> | (2) | It is being filed within 3 months of entry of a national stage   |
|                          |     | -- OR --   |
| <input type="checkbox"/> | (3) | It is being filed before the mail date of the first Office Action on the merits  |
|                          |     | -- OR --   |

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and


B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2630 P1C4)**.

Respectfully submitted,

Dated: August 19, 2004

By:   
Anna L. Barry, Ph.D. (Reg. No. 51,436)

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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>			<b>ATTY. DOCKET NO.:</b> 39780-2630 P1C4		<b>SERIAL NO.:</b> 10/006,818	
			<b>APPLICANT :</b> Kevin P. BAKER, et al.			
			<b>FILING DATE:</b> December 6, 2001		<b>GROUP:</b> 1647	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
<b>FOREIGN PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES      NO
						<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	Dayhoff, Accession No.: P_AAY99362, WO 200012708-A2, Pub Date: March 9, 2000, Baker, K., et al.					
	Dayhoff, Accession No.: P_AAB24031, WO 200053750-A1, Pub Date: Sep. 14, 2000, Botstein, D., et al.					
	Dayhoff, Accession No.: P_AAE06578, WO 200149728-A2, Pub Date: July 12, 2001, Kato, S., et al.					
	Dayhoff, Accession No.: P_AAB36107, WO 200063438-A2, Pub Date: October 26, 2000, Gould-Rothberg, B.E., et al.					
	Dayhoff, Accession No.: CAC51152.1, WO 0149728-A, Pub Date: July 12, 2001, Kato, S., et al.					
	Dayhoff, Accession No.: AAH06213.1, Direct Submission, Submitted: April 9, 2001, Strausberg, R., et al.					
	Dayhoff, Accession No.: AAH17312.1, Direct Submission, Submitted: November 5, 2001, Strausberg, R., et al.					
	Dayhoff, Accession No.: NP_115724.1, Glia 44 (3), pp 190-204, 2003, Yonezawa, T., et al.					
	Dayhoff, Accession No.: P_AAB92464, EP 1074617-A2, Pub Date: Feb. 7, 2001, Ota, T., et al.					
	Dayhoff, Accession No.: BAB55010.1, Direct Submission, Submitted: May 10, 2001, Isogai, T., et al.					
	GenBank, Accession No.: P_AAC58113, WO 200053750-A1, Pub Date: Sep. 14, 2000, Botstein, D., et al.					
	GenBank, Accession No.: P_AAA37044, WO 200012708-A2, Pub Date: March 9, 2000, Baker, K., et al.					
	GenBank, Accession No.: P_AAC76236, WO 200058473-A2, Pub Date: October 5, 2000, Shimkets, R.A., et al.					
<b>EXAMINER</b>			<b>DATE CONSIDERED</b>			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES      NO
						<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	GenBank, Accession No.: BC006213, Direct Submission, Submitted: April 9, 2001, Strausberg, R., et al.					
	GenBank, Accession No.: P_AAZ52368, WO 200021986-A2, Pub Date: April 20, 2000, Walker, M. G., et al.					
	GenBank, Accession No.: BC017312; Direct Submission, Submitted: November 5, 2001, Strausberg, R., et al.					
	GenBank, Accession No.: P_AAC67985, WO 200063438-A2, Pub Date: Oct. 26, 2000, Gould-Rothberg, B.E., et al.					
	GenBank, Accession No.: P_AAD12573, WO 200149728-A2, Pub Date: July 12, 2001, Kato, S., et al.					
	GenBank, Accession No.: AX191506.1, WO 0149728-A, Pub Date: July 12, 2001, Kato, S., et al.					
	Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores, August (1999).					
	Hyman, Elizabeth, et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer <sup>1,2</sup> ", <i>Cancer Research</i> 62 6240-6245, November (2002).					
	Orntoft, Torben F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular &amp; Cellular Proteomics</i> 1:37-45, (2002).					
	Pollack, Jonathan R., et al., "Microarray analysis reveals a major direct role of DNA copy number alteration in the transcriptional program of human breast tumors", <i>PNAS</i> Vol.99, 20:12963-12968, October (2002).					
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